ADJOURNMENT MOTION.

President : I have received a notice of motion for the adjournment of the business of the House. In the first place I may say that the notice ought have been given yesterday. But apart from that, the motion states—

> "the grave menace to public health and safety of the inhabitants of Pathanapuram, Kottarakara, Kunnathoor and Quilon Taluks residing on either side of the Kallada river caused by contamination of the river by the disposal of waste matter and foul water of the Punalur Paper Mill into the river making the water thoroughly unfit for drinking or bathing purposes."

As the Punalur Paper Mill has been in existence for some time this cannot be considered to be a matter of urgent public importance. But the point will be considered by the Government.

I rule the motion out of order.

Mr. A. Easwara Pillai (*Kottarakara and Pathanapuram cum Shencottah*) : By way of personal explanation I may be permitted to say that the intensive working of the Paper Mills began only recently.

President : When did the intensive work start ?

Mr. A. Easwara Pillai : Only this year.

Rajyasevaprevina M. K. Nilakanta Aiyar : It is more than one year, Sir, since the paper mill began to work intensively.

President : The suggestion of the honourable member is that the intensive working of the Punalur Paper Mill started only this year and therefore the river is being made insanitary. But the Chief Secretary says that it has been working intensively for more than a year. Therefore it is not a matter of urgent public importance. Anyhow Government will investigate the question.

LEGISLATIVE BUSINESS.

THE TRAVANCORE KSHATRIYA ACT (AMENDMENT) BILL.

Mr. P. R. Godavarma Raja (*Edavagai*) : Sir, I beg to move that the Report of the Select Committee on the Travancore Kshatriya Act (Amendment) Bill be taken into consideration.

Mr. Kottur Kunjukrishna Pillai (*Quilon cum Kunnathur*) : I second it.

Mr. M. Rama Varma Raja (*co-opted*) : സ്റ്റാൻഡിംഗ് ഓർഡർ ൪൨ (൨) അനുസരിച്ച് ൭ ദിവസത്തെ നോട്ടീസ് കൊടുക്കണമെന്നാണ് വ്യവസ്ഥ. ഈ ബില്ലിന്റെ റിപ്പോർട്ട് എനിക്ക് കിട്ടിയത് ഏപ്രിൽ ൨൰ാംതീയതി മാത്രമാണ്. അതുകൊണ്ട് ഈ ബില്ലിനെപ്പറ്റി ആലോചിക്കുന്നതിനോ അമൻഡ്മെൻഡ് അയയ്ക്കുന്നതിനോ സാധിച്ചിട്ടില്ല. ഈ കാരണത്താൽ ഈ ബിൽ ഇപ്പോൾ ചർച്ചയ്ക്ക് എടുക്കരുതെന്ന് ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു.

LIBRARY ARCHIVES Kerala Legislative Assembly

President: Is that so, Secretary?

Secretary: The Report was published in the Gazette dated the 1st April 1941 and a copy was sent to the honourable member on the same day.

Mr. M. Rama Varma Raja: I got a copy on the 2nd. Even that I got only after I wrote to the Secretary.

Secretary: The report itself was ready only then.

President: I am always anxious to give the fullest scope to every member for a complete examination of legislative items. But in the present case if the matter is adjourned beyond today the bill will not come up before July. Under Rule 41, in exercise of my power to suspend the Standing Order, I allow the report to be taken into consideration.

Mr. M. Rama Varma Raja: ഒരു പേഴ്സനൽ സ്റ്റേറ്റുമെൻറിന് അനുവദിക്കണമെന്നപേക്ഷിക്കുന്നു.

President: Yes.

Mr. M. Rama Varma Raja: ക്ഷത്രിയആക്ററ് അമൻറുമെൻറുമ്പിൽ എൻറെ സമുദായത്തിനു വളരെ ഹാനികരമാകകൊണ്ട് ആ കമ്മ്യൂണിററിയുടെ ഒരു റിപ്രസെൻേററീവ് എന്ന നിലയിലും ആ കമ്മ്യൂണിററിയിലെ പ്രധാനപ്പെട്ട കുടുംബത്തിലെ ഒരംഗമെന്ന നിലയിലും ബില്ലിനെപ്പററി ചിന്തിക്കുന്നതിനുള്ള സകേര്യം എനിക്കു തരാതെ ഇതു പർട്ടാലോചനക്കെടുത്തതിൽ എനിക്കും എൻെറ സമുദായത്തിനും വളരെ മനസ്താപമുണ്ട്.

Mr. C. V. Chandrasekharan: On a point of order, Sir, the honourable member is questioning a decision of the Chair.

President: The first portion of the remarks of the honourable member is out of order and improper as those remarks question the authority of the Chair acting under Standing Order No. 41. The main substance of the suggestion of the honourable member is not well-founded because I understand that the Committee went round collecting evidence in many localities from the community. They took evidence in all those places. In these circumstances I hold the honourable member has no grievance and his objection is both out of order and ill-founded.

Mr. M. R. Rama Varma Raja: പ്രസിഡൻറിൻെറ റൂളിംഗിന് വിപരീതം പറയുകയല്ല ഞാൻ ചെയ്യുന്നത്. എൻെറ സങ്കടത്തെ ഇവിടെ പറഞ്ഞുകൊണ്ട് പ്രസിഡൻറിൻെറ റൂളിംഗിനു ഞാൻ സബ്മിറ് ചെയ്യുകയാണ് ചെയ്യുന്നത്.

The question that the Bill be taken into consideration was then put and carried.

LIBRARY ARCHIVES Kerala Legislative Assembly

Clause I.

The question that clause 1 stands part of the Bill was put and carried.

The clause was added to the Bill.

Clause II

Mr. P. G. Rama Varma Raja (*Co-opted*) : Sir, I beg to move the following amendment : —

"In Clause 52 B, sub-clause (6), delete the words 'and in the public interests' occurring after the words 'in the interests of the tarwad'."

The legislation is meant to protect the affairs of a private tarwad and therefore the consideration of public interest should not find a place here. So the words 'and in the public interests' should be deleted.

The amendment fell through for want of a seconder.

Mr. P. R. Godavarma Raja : Sir, I beg to move the following amendment.

"In Clause 52 B, sub-clause (2) (d) substitute 'thirty' for 'forty'."

Mr. C. N. Tuppan Namboodiri (*Travancore Jenmies*) : I second it.

Mr. Kottur Kunjukrishna Pillai : Sir, I oppose the amendment. This question was considered in the Select Committee and the reason why the amount has been set apart to be forfeited to Government is that in the case of every application, a Government servant of the status of a District Judge or a person authorised in that behalf has to spend some time over the matter. To find whether the application is frivolous or not, public time has to be spent by an officer. Therefore it is reasonable that a portion of the amount given along with the application should go to Government. Under this Act various items of income from the parties which ought to have come to the Government have been curtailed by the special provisions and several facilities have been afforded to these families. Therefore, I think there is no hardship if Rs 10 is asked to be given to Government in respect of such elaborate investigation and also in view of the fact that public time is taken up in the investigation of the matter.

The amendment was not pressed.

Mr. P. R. Godavarma Raja : Sir, I beg to move that in "sub-clause (7) (ii), delete the full-stop and add the following :—

'and communicated to the applicant or applicants concerned'.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. R. Godavarma Raja]

In that sub-clause it is said that a declaration should be published in the Government Gazette. In order that the members may be aware of it, this amendment is necessary. As a special case they may be informed of the declaration personally.

Mr. P. G. Rama Varma Raja: I second it.

The amendment was put and carried.

Mr. P. R. Godavarma Raja: Sir, I move that the following amendment :—

"In Sub-clause (7) add the following as (iii) :—

'Nothing contained in sub-clause (i) (b) shall affect the rights of the next senior Anandaravan to succeed to the Karanavasthanam and to manage the properties of the tarwad on the death of the Karanavan referred to in such declaration."

This amendment is intended to protect the right of the next senior Anandaravan. I hope the House will accept the amendment.

President: Does the honourable member think that it is necessary? What do you say Mr. Legal Remembrancer?

Mr. Puthupally S. Krishna Pillai (*Legal Remembrancer to Government*): This is not quite necessary. It may probably lead to misinterpretation because in the succeeding section we specifically provide as to what should be done when the Karanavan against whom a declaration is made dies.

President: It is a re-statement of what would normally follow. What is the particular point in that amendment?

Mr. P. R. Godavarma Raja: The rights of the senior Anandaravan should be protected. The amendment is necessary in order to clear the doubt which may arise as to who should manage on the death of the disqualified Karanavan.

President: How can anything take away the rights of the senior member? It is impossible.

The amendment was put to vote and lost.

Mr. P. G Ramavarma Raja: Sir, I beg to move that "In Clause 52 B, sub-clause (11), delete the words 'upon such publication' occurring after the words 'the fact shall be published in Our Government Gazette.'"

Sub-clause (11) says :—"If the nomination referred to in sub-clause (b) of clause (i) of sub-section (7) is made within the time and in the manner referred to in sub-section (8), the fact shall be published in Our Government Gazette and upon such publication, the member nominated shall assume the management of the Tarwad and exercise all such powers and discharge all such duties as are under the Act exercisable by or imposed on the Karanavan of a Kshatriya Tarwad."

I want the special publication to be deleted, because according to this section the right to assume management rests upon the matter being published in the Government Gazette. In the former

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section it is stated that if a Karanavan is found to be incompetent, any junior member nominated by the majority of the members shall assume the management. My position is that the junior member should have the right to management on his nomination by the majority of the members and not upon the publication of the nomination in the Government Gazette. The words are likely to be misinterpreted. If the words are not deleted then the right will vest on the publication in the Government Gazette. It is necessary that that right should vest with the junior member on his being nominated by the majority of the members and therefore I move that the words "upon such publication" be deleted.

Mr. Puthupally S. Krishna Pillai: Suppose the party contends that he assumed charge at such and such a time and which may be a fraud. When does the recognition of the nomination actually commence? After all the interval between the nomination and the date of the publication in the Government Gazette would not be much.

Mr. P. G. Ramavarma Raja: In regard to the point raised by the Legal Remembrancer I have to submit that there is nothing in the previous section to say that the nomination should be recognised y Governmen The only thing is that the junior member of the Tarwad should be omi ated by the majority of members of the Tarwad. There is nothing to say that it should be recognised by the Government. Therefore the objection raised by the Legal Remembrancer is not correct.

Mr. Kottur Knjukrishna Pillai: Should not other people know definitely who is to have the management of the property?

Mr. P. G. Ramavarma Raja: It is for that purpose publication in the Government Gazette is intended.

President: Evidently the position taken by the honourable member is that the use of the word "upon such publication" may give rise to the impression that the publication is the source of the title and not the actual choice of the members. Supposing you say that the date of the nomination must be brought to the notice of the public, how does the honourable member propose to bring the date of the nomination to the notice of the public? And supposing for six months no publication is given and in themean time some body unauthorisedly collects the rents from the ryots?

Mr. P. G. Ramavarma Raja: But sub-clause (8) says

"if within 30 days from the date of publication of the declaration referred to in clause (ii) of sub-section (7), the nomination referred to in sub-clause (b) of clause (i) of that sub-section is not made

LIBRARY ARCHIVES Kerala Legislative Assembly

[M. P. G. Ramavarma Raja]

Therefore the time limit is made as within 30 days from the date of publication of the declaration the nomination is communicated to Government. That is all that is meant by that section.

President: Mr. Legal Remembrancer, do you want the words "upon such publication" to be retained?

Mr. Puthupally S. Krishna Pillai: Sir, they may make a nomination but it may be invalid. It must be a valid nomination. If there is a dispute between one party and another regarding the nomination or about the validity of the nomination and if it is published in the Gazette there may not be any legal difficulty in omitting the words "upon such publication" Government may adopt it and it can come into force from the date of publication.

President: What is your attitude towards the amendment?

Mr. Puthupally S. Krishna Pillai: The words "upon such publication" may be omitted.

The amendment was put to vote and carried.

Mr. P. G. Ramavarma Raja: Sir, I move that in Clause 52 B, sub-clause (12), the word 'adult' may be inserted after the words 'if the majority of the.'

Mr. Puthupally S. Krishna Pillai: Sir, that amendment can be adopted.

The amendment was put to vote and carried.

Mr. P. G. Ramavarma Raja: I beg to move the following amendment:

In clause 52 C, after the words "any suit instituted or declaration made" insert the words "within that period."

Mr. Puthupally S. Krishna Pillai: I think, Sir, that amendment can be adopted.

The amendment was put and caried.

Mr. P. G. Ramavarma Raja: Sir, I beg to move the following amendment:

In Clause 52 D, delete the words "and after satisfying themselves that it is in the interests of the tarwad as a whole that the exemption should be revoked" occuring after the words "after such enquiry as may be prescribed."

In moving this amendment I beg to state that these words do not occur in the Kshatriya Act of 1108. Here also it is a provision for the revocation of exemption and as such I think it is unnecessary. I am of the opinion that restrictions should not be imposed

LIBRARY ARCHIVES Kerala Legislative Assembly

upon the rights of the members. If the majority of the members apply, the only thing for consideration is whether that application is *bona fide* and whether it is signed by the majority of the members of the family. If it is *bona fide* and if it is signed by the majority of the members of the family then automatically exemption should be granted. So, I move that these words should be deleted.

The motion fell through for want of a seconder.

The question whether Clause 2 stands part of the Bill was put and carried.

Clause 2 was added to the Bill.

Clauses 3 and 4 and the Schedule.

The question whether clauses 3, 4, and the schedule stand part of the Bill was put and carried.

Clauses 3 and 4 and the Schedule were added to the Bill.

Preamble and Title.

The question that the preamble and title stand part of the Bill was put and carried.

The preamble and the title were added to the Bill.

Mr. P.R. Godavarma Raja: Sir, I move that the Bill be passed.

Mr. Kottur Kunjukrishna Pillai: I second it.

The motion was put and carried.

The Bill was passed.

THE TRAVANCORE CHILD MARRIAGE RESTRAINT BILL.

[Discussion on this Bill which had been postponed at the meeting of the Council on the 29th January 1941, was then resumed.]

Mr. Kottur Kunjukrishna Pillai: Sir, with regard to this Bill there are a large number of amendments proposed to be moved. Therefore I propose that to get on with the business of the House more expeditiously a time limit may be prescribed for speeches.

President: Under the usual parliamentary procedure no time limit is fixed for legislative business. But by a vote o the House time limit may be fixed as a self-denying ordinance.

The question whether a time limit should be fixed was pu and carried.

President: 15 minutes is allotted to each speaker.

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